

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TAMMY J. BOYD, on behalf of herself
and all similarly situated,

Plaintiff,

v.

ORDER

10-cv-426-wmc

MERITER HEALTH SERVICES
EMPLOYEE RETIREMENT PLAN and
MERITER HEALTH SERVICES, INC.,

Defendants.

The court is in receipt of defendants Meriter Health Services Employee Retirement Plan and Meriter Health Services, Inc.'s letter dated today, September 20, 2011. (Dkt. #111.) The court treats defendants' letter as a motion to strike plaintiff's self-imposed waiver condition on defendants' review of the proposed class representatives' interrogatory answers. The court made clear in the hearing on September 2, 2011, and its subsequently filed order (dkt. #102) that plaintiff's counsel must fully cooperate in expedited discovery efforts to ameliorate prejudice to defendants caused by plaintiff's failure to timely disclose a list of proposed class representatives. While plaintiff may have had some (technical) basis for objecting to defendants' propounding party interrogatories to proposed class representatives under ordinary circumstances, these are not ordinary circumstances, largely due to plaintiff's own delays. Moreover, under *NO* circumstances, can the court conceive it appropriate for one side in a discovery dispute to impose its own, unique discovery conditions having no basis in the

Federal Rules of Civil Procedure, rather than interpose proper objections and/or seek relief from this court. Since plaintiff did neither, and the interrogatories (though better directed to plaintiff) stream-line discovery efforts and will help minimize the amount of time spent in depositions of the proposed, additional class representatives, defendants' motion to strike (dkt. #111) is GRANTED, and plaintiff is *sanctioned* \$100 to be paid to the clerk of the court for the Western District of Wisconsin.

Entered this 20th day of September, 2011.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge